



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

planning@lexingtonma.gov
www.lexingtonma.gov/planning

Charles Hornig, Chair
Robert D. Peters, Vice Chair
Michael Schanbacher, Clerk
Robert Creech, Member
Melanie Thompson, Member
Michael Leon, Associate

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 36: AMEND ZONING BYLAW

MIXED-USE DEVELOPMENTS AND MULTI-FAMILY HOUSING

MARCH 23, 2022

RECOMMENDATION

The Planning Board voted in favor 5-0 to recommend that Town Meeting **REFER TO THE PLANNING BOARD** the subject matter of Article 36.

RATIONALE FOR RECOMMENDATION TO REFER TO THE PLANNING BOARD

Members of the Board identified the following rationale to refer Article 36:

- The majority of the Planning Board agrees with the general concept of allowing additional multi-family housing above the first floor in Lexington Center by-right. Many residents who spoke during the public hearing also thought that, in general, the use was appropriate. However, there was some concern about the specifics of the proposal especially with respect to the permitted unit density, height of buildings and parking requirements. Others expressed a desire to consider any proposal for the Center together with other potential multi-family areas to meet the MBTA Community Housing requirement.
- Referring Article 36 to the Planning Board will allow the Board to further develop the motion so that it reflects what is actually feasible and desirable in Lexington Center.
- The Board will also work with planning professionals and residents to produce a comprehensive Town-wide strategy to fully comply with the MBTA Community Housing requirement.

DESCRIPTION

The original motion under this Article would amend the Zoning Bylaw with respect to dimensional standards and parking requirements for structures in Lexington Center to make mixed-use, multi-family buildings more feasible. The motion also would make multi-family housing projects in the Center subject to inclusionary housing requirements.

PUBLIC HEARING PROCESS

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and 20, 2022, the Planning Board opened the public hearing. Public hearings were held on February 16, February 23, and March 2.

The public hearing closed on March 2 and the Planning Board voted to indefinitely postpone the Article. Then on March 16 the Planning Board voted to refer the matter to the Planning Board as this was the preferred way of enabling further work by the Planning Board.

PUBLIC HEARING MINUTES

FEBRUARY 2, 2022

Members present were: Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Robert Peters moved that the Planning Board continue the public hearing for Article 36 without testimony to Wednesday February 23, 2022 at 6:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig – yes) MOTION PASSED

FEBRUARY 23, 2022

Members present were: Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing but said he would continue this public hearing so to allow time for the staff to send out notices, which were not done because of a flood in Town Hall which impacted the Planning Office. Mr. Schanbacher gave a presentation on Article 36, Amend Zoning Bylaw for Mixed-Use Developments and Multi-Family Housing.

Board Member Comments:

- Mr. Peters had no comments.
- Ms. Thompson no comments.
- Mr. Creech said this is a big deal and six stories is controversial. We have not done enough public outreach and staff could do research and provide us with guidance and we are not ready since this proposal is not vetted yet. He did not believe this was ready to bring to Town Meeting now.
- Mr. Leon was concerned with public process, other items and are needed to make this more feasible, and we should take nine months to try to achieve a workable proposal and do more outreach to the public.
- Mr. Hornig said this proposed article was brought forward since it was an important issue and believed it was necessary to bring it to a public hearing to make the public aware and understand this proposal.

Audience Comments and Questions:

- A resident offered support for this proposal. Having visuals to show people what the Center would look like would be helpful.
- A resident supported some aspects of this proposal but was opposed to tall structures which would create canyonization of the Center and was especially opposed to tall structures on the west side of the Center which would impact by removing a lot of the sun during the day. It would be good to see something in the proposal that would limit the

height on the west side of the center.

- A resident said this is not ready to go to Town Meeting in any event. The height of 65 feet is too high especially in the Center and the issue of parking is a concern. We need to think broader than Lexington Center if we are going to build this type of multi-family housing.
- The resident who proposed Article 40 (Sustainable Residential Incentives) wanted to make sure that any housing under this article complies with Article 40.
- A resident asked for clarification on what is the required vote at Town Meeting. It seems the Planning Board is doing a trial and error to pass an article, which is not the Lexington way and is not ready to bring this forward to Town Meeting.
- A resident is neither for or against this but is very important that allow Town Meeting Members to be part of this and allow them to vote on proposals and which developers should be allowed to bid on them.
- We need to look well beyond the Lexington Center and see a thorough town-wide plan on how we would meet the 2400-unit requirement for the MBTA Guidelines completely before rezoning the Center. When the zoning is changed we need to provide information that there is room to build all those units and a minimum site size. There should be some training sessions so the intended and unintended consequences are known before there is a vote on this.
- A resident believes this is a good idea and said we have an opportunity here to meet a need and move forward to meeting requirements at a state level. We should continue this discussion to see what the future needs would be to make this Center vibrant. Would like to continue this discussion to see how this develops.
- A resident loved the idea of housing in the Center, but 6 stories is too tall and bringing in sustainable clean energy for those buildings would be important. 475 Bedford Street would be a good place for this housing project.
- A resident thought this is a great idea but it needs a lot of work. It would benefit by fleshing out a more comprehensive plan before bringing it to Town Meeting.
- This is not ready for Town Meeting. This should be added to the Comprehensive Plan and should be brought to the new Planning Director. This needs more outreach to develop a more plan that is vetted out for this proposal.
- A resident says this is a lot to take in and too dense for the Center and this should be done in another section of Town. When does this have to be in the bylaw before the penalties kick in?
- The Executive Director of the Lexington Chamber of Commerce said if we do not start to build out more housing and we will lose out to other cities. If we do not provide housing for workers to live closer to work we will lose out in the future and need to take up these housing issues.
- The Chair of Lexington Center Committee spoke on behalf of the committee and said they believe that this article is not ready yet with issues for parking, step-backs with larger buildings, and tall buildings on the westside of the street. The Committee wants to work with the Planning Board to make this article work. The question is if the Town is ready to add 2,000 more units here.
- A question was asked for clarification on what we would miss out on if we do not move forward with this proposed article.

The Board discussed whether they would prefer to meet at 6:00 or 7:00 p.m. The Board decided that they prefer meeting at 6:00 p.m.

Robert Peters moved that the Planning Board continue the public hearing for Article 36: Amend Zoning Bylaw and Zoning Map – Mixed-Use Developments and Multi-Family Housing to March 2, 2022 at 6:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (roll call: Bob Creech – abstained; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig – yes) MOTION PASSED

MARCH 2, 2022

Members present were: Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing which was continued from last week to allow notices to be received by stakeholders. Mr. Schanbacher gave a presentation on Article 36, Amend Zoning Bylaw for Mixed-Use Developments and Multi-Family Housing.

Board Comments and Questions:

- Mr. Peters asked for clarification on the estimate of the acreage this area defines.
- Mr. Hornig said he heard that 6 stories does not equal 65 feet so it should either be 70 feet or less than six stories and that they should consider adding the medical building next to the CB District. He also would like some make some small changes to the inclusionary housing language to make it consistent with the OSRD language.

Public Comments and Questions:

- A resident said since seeing various concerns on meeting lists on housing that this Article should be indefinitely postponed to get more public input.
- An abutter on Grant Place said the parking lot behind them is an underutilized space and would like to see mixed-use with a garage and apartments on that land.
- An abutter who lives in the Center was concerned and felt we should look to make sure that those who need affordable housing get it and not those who know how to work the system. She asked for clarification on how we are labeled as an MBTA Community?
- A resident was in favor of this proposal, but wanted it separate from the MBTA Guidelines but use a proposal for multi-family housing.
- A resident was against the proposal and before we move forward on adding all these units there should be some analytics done on impacts to traffic and schools for this proposal especially regarding additional students that this would bring.
- A resident asked if we opt out what do we really miss out on and clarification on which close-by towns opted out. We cannot count students but can count cars and was very annoyed that we are considered an MBTA community when we get minimal services from the MBTA.
- A resident supported this article and its intention. If we do this it is possible the MBTA might increase the services available to us and believed there would be a benefit to increase density in the Center.
- A resident asked for clarification on the notice he received for this public hearing on the parking requirements being reduced.

- A resident supported this article and agreed that more housing in the Center will bring more life and diversity in the retail offerings. They liked building in a more-dense way, but the upper stories should be set back in some way to prevent a tunnel effect.
- A resident who was a strong supporter of intensity in the Center does not know if they would support this since he would need more analysis done and asked for clarification on the process the Board has gone through on this proposal. He asked for clarification on where he could find this information and what kind of outreach has been done with landowners, residents, and other stakeholders.
- The resident said we need to make the Center more vibrant and need more housing stock and wants Town Meeting to make this decision.
- A resident and EDAC member said the design guidelines should be part of this discussion/article, the benefits of smart development around transit need to tell that story a little better for this article presentation.
- A resident supported this project and the units in Lexington Place have a positive impact in the Center and adding more will be good thing. She requested clarification on what would be the ramification if we do not comply with this MBTA Guidelines.
- Clarification was requested for what are the consequences of not passing this zoning at Town Meeting? It was suggested to let Town Meeting know that we need to be compliant with the statute but also the ways to mitigate any concerns that are brought up and what is the timeline. Concern was expressed that we may not be able to meet the guidelines in time.
- A resident and chair of Lexington Center Committee said the Center Committee felt favorable on the idea, but town services need to be considered and adding Clark Street is a good idea.
- Clarification was requested if there was a plan B if this does not go through? There was a request for clarification on the inclusionary housing within the center and said this needs more work but thanked the Board for their work.
- A question was asked on why can't the assisted living on Oakland Street be included in this proposal. With all the money we put into the Center having more units in the Center will only increase the draw.
- Would like to see analysis of six stories on buildings in the center and asked what is the genuine risk for losing the grants as opposed to the increase cost for town services. This information is needed to help us make an informed choice.
- There was concern on issues for parking requirements being reduced for new developments being built.

Board Comments and Questions:

- Ms. Thompson said there is a lot of complications to this proposal. We need to make a presentation on the MBTA Communities Housing Guidelines which are not very clear. It seems the community is in favor of making changes in the Center and if we make it clearer we would have a better chance of getting it passed. She had concerns about the heights if the buildings and said we need more diversity in the retail shops in the Center.
- Mr. Creech said given all the feedback we have not done proper outreach and what he hears from the public is that there are still many details that need to be addressed before bringing this to Town Meeting.

- Mr. Peters said we should close the public hearing.
- Mr. Schanbacher said we should close the public hearing.
- Mr. Leon said we have not been working on this for a long time and should close the public hearing and let the public know that we will embark on a process and work on a town-wide conceptual plan to meet the MBTA Guidelines.
- Mr. Hornig said he felt we are not ready to move forward with this proposal and will work to have a more comprehensive package for a future Town Meeting.
- Mr. Schanbacher said it was good to bring this public hearing forward to inform the public about this proposal.

Robert Peters moved that the Planning Board close the public hearing for Article 36 Amend Zoning Bylaw and Zoning Map for Mixed-Use Developments and Multi-Family Housing. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED

Board Member Deliberations:

- Ms. Thompson believed this should go to Town Meeting in the fall.
- Mr. Creech said we should work on this some more and look at other town centers. He said we should indefinitely postpone this proposal.
- Mr. Peters said the public hearing has put this on people's radar for the MBTA Guidelines and the clock is moving forward and he agreed this should be indefinitely postponed and later we will know the framework with the DHCD requirements.
- Mr. Schanbacher said we should indefinitely postpone this proposal.
- Mr. Leon said we should bring an overall conceptual plan town-wide to the Fall Town Meeting to get some support to possibly get compliance with the statute.
- Mr. Hornig said this was being put off to bring a bigger plan forward for the Fall Town meeting.

Robert Peters moved that the Planning Board recommend to indefinitely postpone Article 36 Amend Zoning Bylaw and Zoning Map for Mixed-Use Developments and Multi-Family Housing. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED

MARCH 23, 2022

PLANNING BOARD VOTE

Robert Peters moved that the Planning Board recommend that Annual Town Meeting refer Article 36 to the Planning Board. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0 (Roll call: Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Robert Creech – yes; Charles Hornig – yes). MOTION PASSED

Charles Hornig. yes
Robert Peters.yes
Michael Schanbacheryes
Robert Creech. yes
Melanie Thompson. yes

FOR THE PLANNING BOARD



Charles Hornig, Chair